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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/732,787

12/09/2003

Roy D. Roberts

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8942

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7590

12/29/2005

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EXAMINER

ROY, SIKHA

ART UNIT

PAPER NUMBER

2879

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/732,787

Applicant(s)

ROBERTS, ROY D.

Examiner

Sikha Roy

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-23 is/are allowed.
- 6) ☒ Claim(s) 1 and 5-8 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1203.0504</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The new Drawings submitted on October 12, 2004 have been entered and are approved by the Examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 7 and 8 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,114,807 to Kavanagh.

Regarding claim 1 Kavanagh discloses (Figs. 4,8 column 5 lines 18-26 column 8 line 65 through column 9 line 10, column 11 lines 52-57) an arc lamp comprising an anode 42, a cathode 41 and a body defining a cavity wherein the anode and the cathode are inside the cavity and a filter (window 101 with coating 105 on inside) mounted within the cavity.

Regarding claims 7 and 8 Kavanagh discloses (column 6 lines 38-41) the filter comprising quartz (fused silica) and operates at a high temperature of 150°C.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,670,758 to Beech et al.

Regarding claim 1 Beech discloses (Figs. 5, 11A, column 4 lines 38-43, column 8 lines 34-56) an arc lamp comprising an anode 16, a cathode 22, a body defining a cavity wherein the anode and the cathode are inside the cavity and a filter (IR reflective coating) 72 applied on interior surface of the window and hence mounted within (facing) the cavity.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,114,807 to Kavanagh and further in view of Applicant's admitted prior art (AAPA).

Regarding claim 5 Kavanagh is silent about the filter made of narrow band pass filter.

AAPA discloses (page 2 section [0005]) arc lamps including narrow band filters for suppressing unwanted radiation passing through. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to include narrow band pass filter in the filter of Kavanagh as suggested by AAPA for suppressing unwanted radiation.

Regarding claim 6 Kavanagh is silent about the filter made of heat absorbing glass.

AAPA discloses (page 2 section [0005]) arc lamps including filters made of heat-absorbing glass for absorbing heat generated inside the lamp. It is to be noted that heat absorption results in an arc lamp operating at high power levels and hence with improved efficiency.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to include heat absorbing glass in the filter of Kavanagh as suggested by AAPA for absorbing heat generated during operation and hence providing the lamp operating at high power levels with improved efficiency.

Allowable Subject Matter

Claims 9-23 are allowed over the prior art of record.

The following is an examiner's statement of reasons for allowance:

Regarding claim 9 the prior art of record neither teaches nor suggests an arc lamp with all the limitations as claimed and particularly comprising a filter mounted within the cavity between the strut holding the cathode and the arc gap.

Claims 10-15 are allowed because of their dependency status from claim 9.

Regarding claim 16 the prior art of record neither teaches nor suggests the method of making an arc lamp with all the limitations as claimed and particularly coupling a washer to the filter to hold filter in place.

The prior art of U.S. Patent 3,609,335 to Kelly discloses a lamp having a filter and a lens held in place by a snap washer. However there is no obvious reason to combine with arc lamp of Kavanagh.

Claims 17-23 are allowed because of their dependency status from claim 16.

Claims 2 - 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 2 the prior art of record neither teaches nor suggests an arc lamp with all the limitations as claimed and particularly comprising a washer to hold the filter within the cavity.

Regarding claim 3 the prior art of record neither teaches nor suggests the arc lamp with all the limitations as claimed and particularly the filter including an aperture through which the cathode goes.

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Claim 4 would be allowable because of its dependency status from claim 3.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 4,179,037 to Chan et al. discloses window seals reducing tensile stresses in the window. U.S. Patent 4,396,857 to Danko discloses arc lamp body made of fused silica or quartz.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sikha Roy whose telephone number is (571) 272-2463. The examiner can normally be reached on Monday-Friday 8:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sikha Roy

Sikha Roy
Patent Examiner
Art Unit 2879